

AMENDED IN ASSEMBLY JULY 17, 2007
AMENDED IN ASSEMBLY JULY 3, 2007
AMENDED IN SENATE JUNE 5, 2007
AMENDED IN SENATE JUNE 4, 2007
AMENDED IN SENATE MAY 1, 2007
AMENDED IN SENATE APRIL 18, 2007
AMENDED IN SENATE APRIL 10, 2007
AMENDED IN SENATE MARCH 21, 2007

SENATE BILL

No. 20

Introduced by Senators Torlakson and Alquist

(~~Coauthor: Assembly Member Levine~~ *Coauthors: Assembly Members
Hancock and Levine*)

December 4, 2006

An act to amend Section 49430 of, and to add Section 49430.7 to, the Education Code, relating to pupil nutrition, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 20, as amended, Torlakson. Pupil nutrition: free and reduced-price meals.

(1) The Pupil Nutrition, Health, and Achievement Act of 2001 requires a school to be reimbursed \$0.21 for free and reduced-price meals sold or served to pupils. To qualify for this reimbursement, a school is required to follow the Enhanced Food Based Meal Pattern, Nutrient Standard Meal Planning, or Traditional Meal Pattern developed

by the United States Department of Agriculture or the California's Shaping Health as Partners in Education (SHAPE) menu patterns developed by the state.

The Child Nutrition Act of 1974 authorizes a child nutrition entity, as defined, to apply to the State Department of Education for all available federal and state funds so that a nutritionally adequate breakfast or lunch, or both, may be provided to pupils and requires the department before July 1 of each year to prescribe an adjustment in the established state meal contribution rates based on a specified cost-of-living adjustment.

This bill, as a condition of receiving funds for providing free and reduced-price meals, would require schools, commencing with the 2007–08 fiscal year, for meals and food items sold or served as part of a free or reduced-price meal program, to comply with specified nutrition-related prohibitions and requirements. Child development programs would be encouraged, commencing with the 2007–08 fiscal year, for meals and food items sold or served as part of a free or reduced-price meal program, to comply with specified nutrition-related prohibitions and requirements.

The bill would make those provisions operative only upon an appropriation for those purposes in the annual Budget Act or another statute.

By requiring schools and school districts to satisfy new requirements for the free and reduced price meal programs, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49430 of the Education Code is amended
2 to read:

3 49430. As used in this article, the following terms have the
4 following meanings:

5 (a) “Elementary school” means a public school that maintains
6 any of kindergarten and grades 1 to 6, inclusive, but no grade
7 higher than grade 6.

8 (b) “Middle school” means a public school that maintains grade
9 7 or 8, grades 7 to 9, inclusive, or grades 7 to 10, inclusive.

10 (c) “High school” means a public school maintaining any of
11 grades 10 to 12, inclusive.

12 (d) “Full meal” means a combination of food items that meet
13 USDA-approved School Breakfast Program or National School
14 Lunch Program meal pattern requirements.

15 (e) “Added sweetener” means an additive other than 100 percent
16 fruit juice that enhances the sweetness of a beverage.

17 (f) “Sold” means the exchange of food for money, coupons, or
18 vouchers.

19 (g) “Entrée” means a food that is generally regarded as being
20 the primary food in a meal, and shall include, but not be limited
21 to, sandwiches, burritos, pasta, and pizza.

22 (h) “Snack” means a food that is generally regarded as
23 supplementing a meal, including, but not limited to, chips, crackers,
24 onion rings, nachos, french fries, donuts, cookies, pastries,
25 cinnamon rolls, and candy.

26 (i) “Deep fried” means ~~the food being described~~ *a food item* is
27 cooked by total immersion in oil or fat.

28 (j) “Par fried” means a food item is fried to reach an internal
29 temperature of 160 degrees Fahrenheit and then cooled to room
30 temperature so that it may be refrigerated or frozen for future
31 frying.

32 (k) “Flash fried” means a food item is quickly fried on both
33 sides in oil with a temperature of 400 degrees Fahrenheit or higher.

34 SEC. 2. Section 49430.7 is added to the Education Code, to
35 read:

36 49430.7. (a) For purposes of this section, the following terms
37 have the following meanings:

1 (1) “School” means a school operated and maintained by a
2 school district or county office of education, or a charter school.

3 (2) “School district” means a school district, charter school, or
4 county office of education.

5 (3) “Child development program” means a program operated
6 pursuant to Chapter 2 (commencing with Section 8200) of Part 6.

7 (b) As a condition of receipt of funds pursuant to Section
8 49430.5, commencing with the 2007–08 fiscal year, for meals and
9 food items sold as part of the free and reduced-price meal
10 programs, a school or school district shall comply with all of the
11 following requirements and prohibitions:

12 (1) Follow the United States Department of Agriculture (USDA)
13 nutritional guidelines.

14 (2) Not sell or serve a food item that has in any way been deep
15 fried, par fried, or flash fried by a school or school district.

16 (3) Not sell or serve a food item ~~that is labeled as containing~~
17 *containing artificial trans fat. A food item contains artificial trans*
18 *fat if it contains vegetable shortening, margarine, or any kind of*
19 *hydrogenated or partially hydrogenated vegetable oil, unless the*
20 *manufacturer’s documentation or the label required on the food,*
21 *pursuant to applicable federal and state law, lists the trans fat*
22 *content as less than 0.5 grams per serving.*

23 (4) Not sell or serve a food item ~~that contains, or has in any way~~
24 ~~been processed or prepared with~~ *has been deep fried, par fried, or*
25 *flash fried in oil or fat that exceeds 20 percent total saturated fat.*
26 *Oils and fats prohibited by this paragraph include, but are not*
27 *limited to, palm, coconut, palm kernel, lard, or butter. Oils*
28 *permitted by this paragraph include, but are not limited to, canola,*
29 *safflower, sunflower, corn, olive, soybean, peanut, or a blend of*
30 *these oils.*

31 (c) Commencing with the 2007–08 fiscal year, for meals and
32 food items sold as part of the free and reduced-price meal
33 programs, a child development program is encouraged to comply
34 with all of the following guidelines:

35 (1) Meet developmentally and programmatically appropriate
36 meal pattern and meal planning requirements developed by the
37 USDA.

38 (2) Not sell or serve a food item that has in any way been deep
39 fried, par fried, or flash fried by a school, school district, or child
40 development program.

1 (3) Not sell or serve a food item ~~that is labeled as containing~~
2 *containing artificial trans fat. A food item contains artificial trans*
3 *fat if it contains vegetable shortening, margarine, or any kind of*
4 *hydrogenated or partially hydrogenated vegetable oil, unless the*
5 *manufacturer's documentation or the label required on the food,*
6 *pursuant to applicable federal and state law, lists the trans fat*
7 *content as less than 0.5 grams per serving.*

8 (4) Not sell or serve a food item ~~that contains, or has in any way~~
9 ~~been processed or prepared with~~ *has been deep fried, par fried, or*
10 *flash fried in oil or fat that exceeds 20 percent total saturated fat.*
11 *Oils and fats prohibited by this provision include, but are not*
12 *limited to, palm, coconut, palm kernel, lard, or butter. Oils*
13 *permitted by this provision include, but are not limited to, canola,*
14 *safflower, sunflower, corn, olive, soybean, peanut, or a blend of*
15 *these oils.*

16 (d) The prohibitions and requirements of this section regarding
17 food items sold or served by a school, ~~school district, or child~~
18 ~~development program~~ *or school district* apply to raw bulk USDA
19 commodity foods ordered by schools or school districts and sent
20 to commercial processors for conversion into ready to use end
21 products, but do not apply to *other* USDA commodity foods until
22 the scheduled 2009 reauthorization of the USDA National School
23 Lunch Program is complete ~~and~~ *or* ingredient and nutrition
24 information is available for all USDA commodity foods, whichever
25 is earlier.

26 (e) As a condition of receipt of funds pursuant to Section
27 49430.5, no later than June 30, 2008, schools and school districts
28 shall provide the department with a one-time certification of
29 compliance with the provisions of this section.

30 (f) This section shall become operative only upon an
31 appropriation for its purposes in the annual Budget Act or another
32 statute.

33 SEC. 3. If the Commission on State Mandates determines that
34 this act contains costs mandated by the state, reimbursement to
35 local agencies and school districts for those costs shall be made
36 pursuant to Part 7 (commencing with Section 17500) of Division
37 4 of Title 2 of the Government Code.

38 SEC. 4. This act is an urgency statute necessary for the
39 immediate preservation of the public peace, health, or safety within

1 the meaning of Article IV of the Constitution and shall go into
2 immediate effect. The facts constituting the necessity are:
3 In order to provide the increased reimbursement rate for school
4 meals to schools in a timely manner, it is necessary that this act
5 take effect immediately.

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